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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91168256
Party	Defendant Bilezikian, Holcombe Deborah Bilezikian, Holcombe Deborah 1211 Gough St. Baltimore, MD 21202
Correspondence Address	Bilezikian, Holcombe Deborah 1211 GOUGH ST BALTIMORE, MD 21202-4417
Submission	Answer
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Date	02/01/2006
Attachments	1212-106 (Answer - Filed 2006-02-01).PDF (5 pages)

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Mark M. Brandsdorfer

TRADEMARK

Att. Docket No. 1212-106

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
In the matter of Trademark Application Serial No.: 78/271858**

JOHNSON MARKETING GROUP, INC.

Opposer,

v.

DEBORAH HOLCOMBE BILEZIKIAN,

Applicant.

Opposition No.: 91168256

Serial No.: 78/271858

Mark: MONAVE

ANSWER TO NOTICE OF OPPOSITION

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Deborah Holcombe Bilezikian ("Applicant"), by her attorney, hereby Answers the Notice of Opposition of Johnson Marketing Group, Inc. ("Opposer"), against the application for registration of Applicant's trademark for MONAVE, Serial No. 78/271858, filed on July 8, 2003 (the "Application"), and admits, denies or alleges the following:

1. In response to the preamble of the Notice of Opposition, Applicant lacks sufficient knowledge or information as to the allegations set forth therein, leaving Opposer to strict proof thereof.

2. In response to paragraph 1 of the Notice of Opposition, Applicant lacks sufficient knowledge or information as to the allegations set forth therein, leaving Opposer to strict proof thereof.
3. In response to paragraph 2 of the Notice of Opposition, Applicant admits that Registration No. 2,248,533 for MOJAVE was registered on June 1, 1999 and Registration No. 2,742,176 for MOJAVE MAGIC was registered on July 29, 2003; however, Applicant lacks sufficient knowledge or information as to the remainder of the allegations of paragraph 2 of the Notice of Opposition, leaving Opposer to strict proof thereof.
4. In response to paragraph 3 of the Notice of Opposition, Applicant lacks sufficient knowledge or information as to the allegations set forth therein, leaving Opposer to strict proof thereof.
5. In response to paragraph 4 of the Notice of Opposition, Applicant lacks sufficient knowledge or information as to the allegations set forth therein, leaving Opposer to strict proof thereof.
6. In response to paragraph 5 of the Notice of Opposition, Applicant lacks sufficient knowledge or information as to the allegations set forth therein, leaving Opposer to strict proof thereof.
7. In response to paragraph 6 of the Notice of Opposition, Applicant admits the allegations set forth therein.
8. In response to paragraph 7 of the Notice of Opposition, Applicant denies the allegations set forth therein, leaving Opposer to strict proof thereof.

9. In response to paragraph 8 of the Notice of Opposition, Applicant denies the allegations set forth therein, leaving Opposer to strict proof thereof.
10. In response to paragraph 9 of the Notice of Opposition, Applicant denies the allegations set forth therein, leaving Opposer to strict proof thereof.
11. In response to paragraph 10 of the Notice of Opposition, Applicant admits the allegations set forth therein.
12. In response to the Notice of Opposition, Applicant denies each and every material allegation not heretofore controverted and demands strict proof thereof.

AFFIRMATIVE DEFENSES

- A. The Notice of Opposition, in whole or as to specific allegations, without Applicant's admission as to such allegations, fails to state a claim upon which relief can be granted.
- B. The Opposer is estopped from objecting to the pending application because of Applicant's longstanding use of the mark and failure on the part of Opposer to object or oppose Applicant's use of the mark.
- C. The Applicant's mark has been used by Applicant or a related entity for over six years with no proof of actual confusion.
- D. Opposer is guilty of laches in failing to timely object or oppose Applicant's longstanding use of the mark.
- E. The Applicant's use of the mark MONAVE on Applicant's goods predates the Opposer's

filing date of their pending Application.

- F. The Applicant's use of the mark MONAVE on Applicant's goods predates the Opposer's alleged use of the mark MOJAVE on similar or related goods, as claimed by Opposer in the Notice of Opposition.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice and that Application Serial No. 78/271858 proceed to registration.

Dated this 1st day of February, 2006.

Respectfully Submitted,

By:



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** is being served on February 1, 2006 upon counsel of record for Opposer by deposit of the same in the United States mail, first-class postage prepaid, in an envelope addressed to:

Michael J. Andelson, Esq.
Best Best & Krieger, LLP
74760 Highway 111
Suite 200
Indian Wells, CA 92210
Attorney for Opposer



Mark M. Brandsdorfer